

Planning Commission Public Comment Summary

Items No. 33 and 92

Revised as of 3-23-10

33	<p>Shoreline Vegetation Conservation</p> <p>20.30.040</p> <p>(page IV-9)</p>	<p>Vegetation alterations require review pursuant to 20.30.040(2.b).</p> <p>There appears to be a mistake in the outline numbering used in the comment letter. b is a, c is b. The correct nomenclature is used below</p> <p>a. <u>Alterations to vegetation within shoreline jurisdiction (except for the maintenance of existing or approved conditions) are not allowed without shoreline review. When allowed, alterations to the vegetation shall result in no net loss of shoreline ecological value or function.</u></p> <p>The suggested language implies that all alterations will be associated with new development. This may not always be the case. If mitigation is required it should be accordance with other provisions in the SMP such as 20.30.010[2.c], impact mitigation and 20.30.095[2.a] Residential Development. Suggest the following changes.</p> <p>b. <u>Alterations within the shoreline vegetation conservation buffer shall provide mitigation for new impacts of the development, and shall only be allowed through approval of a vegetation management plan. If mitigation of impacts is necessary it should take the form of vegetation enhancement and result in improvements to ecological functions. The plan shall be prepared by qualified professional and shall be consistent with the provisions of this chapter and BMC Chapter 19.40. Vegetation enhancement plans shall include:</u></p> <p>No suggested changes to the remainder of the section.</p> <p><u>i. Revegetation of degraded buffer areas within 20 feet of the ordinary highwater mark (or top of shore armoring if applicable) or wetland edge with dense native vegetation meeting the standards of paragraph (c)(iii-iv) below. The Administrator may require wider widths or other improvements to mitigate greater impacts.</u></p> <p><u>ii. The above revegetation area may be modified using area averaging when existing structures encroach into the 20 foot width, when access through the area to waterfront facilities is needed, or when water-dependent activities need to take place in the area.</u></p> <p>c. These are good clarifications however references too lawn not being an acceptable ground cover is not necessary as it is prohibited by section vii. Agree that section v. should be removed, this is overly restrictive in that any alteration cannot remove vegetation areas, this is may not be possible in some development scenarios. The section is suggested to read as follows:</p> <p><i>Within a shoreline riparian buffer as set forth in BMC 20.30.050 alterations shall comply with the following;</i></p> <p>i. <i>The applicant shall provide a vegetation management plan prepared by a qualified professional; and</i></p> <p>ii. <i>At least 75% of the buffer area shall be revegetated, where it is degraded; and</i></p> <p>iii. <i>Where vegetation is proposed within the buffer it shall be provided at a density to mimic natural conditions rather than a landscaped yard; and</i></p> <p>iv. <i>Vegetation planting areas shall consist of a mix of native trees, shrubs and ground cover – lawn is not an acceptable groundcover; and</i></p> <p>v. When alterations are proposed within a buffer, the end result shall be no loss of vegetated areas; and</p> <p>v. <i>Vegetation management plans should place emphasis on providing plantings within a 20 foot wide area parallel and adjacent to the shoreline; and</i></p> <p>vi. <i>Lawn is a prohibited vegetation in the shoreline buffer due to its limited functional benefits and need for chemical and fertilizer application; and</i></p> <p>vii. <i>Include appropriate limitations on the use of fertilizer, herbicides and pesticides as needed to protect lake and marine water quality.</i></p>
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92	20.30.095 Shoreline Uses (ADU's)	<p>Pursuant to comprehensive plan policy and the GMA, accessory dwelling units should be allowed, however it should be clarified that they should not be allowed in a shoreline buffer or setback.</p> <p>g. Accessory structures <u>and Appurtenances</u>. Accessory structures and appurtenances that are not normal appurtenances as defined at the end of this chapter must be proportional in size and purpose to the residence and compatible with onsite and adjacent structures, uses and natural features. Accessory structures and appurtenances that are not water-dependent are not permitted waterward of the principal residence unless clearly water-dependent (buoys, docks and floats) and used for recreational or personal use unless there is a compelling reason to the contrary. Except for fences less than 6 feet high, aAccessory and appurtenant structures should shall not be located within shoreline buffers to assure that buffer integrity is maintained.</p> <p><u>Recommended Version</u></p> <p>g. Accessory structures and Appurtenances. Accessory structures and appurtenances must be proportional in size and purpose to the residence and compatible with onsite and adjacent structures, uses and natural features. Accessory structures and appurtenances that are not water-dependent are not permitted waterward of the principal residence unless clearly water-dependent (buoys, docks and floats) and used for recreational or personal use. Except for fences less than 6 feet high, accessory and appurtenant structures shall not be located within shoreline buffers or riparian buffer setbacks, to assure that buffer integrity is maintained.</p> <p>20.40.005 Appurtenance means development necessarily connected to the use and enjoyment of a single family residence and located landward of the perimeter of an associated wetland and landward of the ordinary high water mark. Normal appurtenances include a garage; deck; driveway; utilities solely servicing the subject single family residence; fences; and grading which does not exceed 250 cubic yards.</p> <p>19.10.010 Accessory – A use, activity, structure or part of a structure that is subordinate and incidental to the main activity or structure on the site.</p> <p><u>K. Detached Accessory Dwelling Units.</u> Detached accessory dwelling units shall not be located in riparian buffers or riparian buffer building setbacks.</p> <p>GMA goal. RCW 36.70A.020 (4) Housing. Encourage the availability of affordable housing to all economic segments of the population of this state, promote a variety of residential densities and housing types, and encourage preservation of existing housing stock.</p> <p>RCW 36.70A.400 & RCW 43.63A.215 state “accessory apartment provisions shall be part of the local government’s development regulation, zoning regulation, or official control.” <i>[excerpt]</i></p> <p>Burien Comprehensive Plan Pol. HS 1.11 The development of accessory dwelling units in single-family residences should be allowed to continue. (pg 2-65, <i>[excerpt]</i>)</p>
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